

U.S. Application No. 09/334,424  
Reply to Office Action of March 7, 2006

PATENT  
450100-4916

### **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith, which place the application into condition for allowance. The present response is being made to facilitate prosecution of the application.

#### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-15, 17, 19 and 21-28 are pending in this application. Claims 1, 6, 7, 10, 11, 14, 15, 17, 19 and 21-28, which are independent, are hereby amended. No new matter has been introduced by this amendment. Support for this amendment is provided throughout the Specification, and specifically on page 4, lines 8-11.

It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled.

#### **II. REJECTIONS UNDER 35 U.S.C. §103(a)**

##### **A. INDEPENDENT CLAIMS 1, 6, 7, 10-11, 14 and 22-24**

Claims 1-9 and 22-24 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely "Matsuzaki") in view of U.S. Patent No. 5,892,894 to Shiroshita et al. (hereinafter, merely "Shiroshita").

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Claims 10-14 were rejected under 35 U.S.C. 103(a) as allegedly unpatentable over Matsuzaki in view of Shiroshita and further in view of U.S. Patent No. 5,801,753 to Eyer et al. (hereinafter, merely "Eyer").

Independent claim 1 recites, *inter alia*:

**"... wherein said control means controls said multiplexing ratio to enable acquisition of program information in a reduced period of time by increasing transmission of program data when transmission of video data and audio data can be decreased."** (Emphasis added)

As understood by Applicants, Matsuzaki relates to multiplexing a plurality of types of media information and outputting a multiplexed bit stream, deciding priority corresponding to each of the media information, and controlling multiplexing of each of the media information based on the decided priority.

As understood by Applicants, Shiroshita relates to a data re-transmission management scheme capable of improving the communication efficiency. In a data re-transmission from a server to a plurality of terminals through a communication network, any abnormal terminal including a busy terminal and/or a poor performance terminal among the plurality of terminals is detected, and each abnormal terminal is managed separately from other normal terminals. A management of data transmission and re-transmission from the server to the normal terminals is carried out first, and then a management of a re-transmission of only unreceived data of each abnormal terminal is carried out, after a completion of the data transmission and re-transmission with respect to the normal terminals.

As understood by Applicants, Eyer relates to an interactive program guide implemented over an information network.

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Applicants respectfully submit that nothing has been found in Matsuzaki, Shiroshita, or Eyer, taken alone or in combination, that would teach or suggest the above-identified features of independent claim 1. Specifically, Matsuzaki, Shiroshita and Eyer fail to teach or suggest that said control means controls said multiplexing ratio to enable acquisition of program information in a reduced period of time by increasing transmission of program data when transmission of video data and audio data can be decreased as recited in claim 1.

Therefore, Applicants respectfully submit that claim 1 is patentable.

Independent claims 6, 7, 10-11, 14 and 22-24 recite similar features and are therefore patentable for similar reasons.

B. INDEPENDENT CLAIMS 15, 17, 19 and 25-28

Claims 15, 17, 19, 21, and 25-28 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,111,612 to Ozkan et al. (hereinafter, merely "Ozkan") in view of Eyer, Matsuzaki, and Shiroshita.

Independent claim 15 recites, *inter alia*:

"... wherein said control means enables acquisition of program information in a reduced period of time by increasing reception of program data when transmission of video data and audio data have been decreased." (Emphasis added)

As understood by Applicants, Ozkan relates to packetized video program information used in video processing and storage medium formats that includes program related text messages.

Applicants respectfully submit that nothing has been found in Ozkan, Eyer, Matsuzaki, or Shiroshita, taken alone or in combination, that would teach or suggest the above-identified features of claim 15. Specifically, Ozkan, Eyer, Matsuzaki, and Shiroshita fail to teach

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or suggest that said control means enables acquisition of program information in a reduced period of time by increasing reception of program data when transmission of video data and audio data have been decreased, as recited in claim 15.

Therefore, Applicants respectfully submit that claim 15 is patentable.

Independent claims 17, 19 and 25-28 recite similar features and are therefore patentable for similar reasons.

### III. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

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### CONCLUSION


In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portions of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are in condition for allowance and Applicants respectfully request early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

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